

# Announcement of JUDICIAL VACANCY

December 1, 2009

## Announcing:

That applications are now being accepted for the position of Appellate Court Judge.

This position results from the pending retirement of Judge Russell Bench on December 31, 2009.

*Completed application forms must be received by the Administrative Office of the Courts no later than 5:00 p.m., Tuesday, January 5, 2010.*

## To Obtain Application Forms and Instructions:

Copies of forms required in the application process and instructions are available from the Administrative Office of the Courts and the Utah State Courts' website:  
<http://www.utcourts.gov/resources/forms>.

Forms and instructions also are available in WordPerfect and MS Word formats.

To obtain the forms and instructions in WordPerfect and MS Word, send Margo Bird or Cheryl Breneman your email address or a 3.5" disk.

E-Mail: [margob@email.utcourts.gov](mailto:margob@email.utcourts.gov) or [cherylb@email.utcourts.gov](mailto:cherylb@email.utcourts.gov)

Administrative Office of the Courts  
Attention: Margo Bird or Cheryl Breneman  
450 S. State  
P O Box 140241  
Salt Lake City, Utah 84114-0241  
FAX: (801) 238-7814

**PLEASE NOTE: THE JUDICIAL APPLICATION FORM WAS REVISED IN AUGUST 2008. PLEASE DOWNLOAD THE CURRENT VERSION FROM: <http://www.utcourts.gov/resources/forms> OR CONTACT MARGO BIRD OR CHERYL BRENEMAN FOR THE CURRENT VERSION OF THE FORM.**

## Selection Process:

Utah law requires the Judicial Nominating Commission to submit five nominees to the governor within 45 days of its first meeting. The governor has 30 days in which to make a selection. The Utah State Senate has 60 days in which to approve or reject the governor's selection. To obtain the procedures of Judicial Nominating Commissions and the names of Commission members call (801) 578-3800.

At its first meeting the Nominating Commission reviews written public comments. This meeting is open to the public. To comment upon the challenges facing Utah's courts in general, submit a written statement no later than January 5, 2010 to the Administrative Office of the Courts Attn: Appellate Court Judicial Nominating Commission.

## Terms of Employment:

## **A. Benefits:**

**Minimum Requirements:** Under Article VIII, Section 7 of the Utah Constitution, a Supreme Court justice must be at least 30 years old, and judges of other courts of records must be at least 25 years old.

**Residency:** All justices and judges must be United State citizens. Supreme Court justices must be Utah residents for at least five years immediately preceding selection. Judges of other courts of record must be residents of Utah for at least three years preceding selection.

**Practice of Law:** All justices and judges must be admitted to practice law in Utah, but need not actually engage in the practice of law.

**Retirement Program:** Judges are able to retire at any age with 25 years service; at age 62 with 10 years service; or at age 70 with 6 years service. Retirement amount is calculated on the basis of years of service and an average of the last 2 years of salary. Judges receive 5% of their final average salary for each of their first 10 years of service, 2.25% of their average salary for each year from 11 to 20 years of service, and 1% of their final average salary for each year beyond 20 years to a maximum of 75%.

Annual salary is \$138,750 for a Court of Appeals Judge • 20 days paid vacation per year • 11 paid holidays • \$25,000 term life insurance policy (with an option to purchase \$300,000 more at group rates) • Choice of four medical and three dental plans. All plans require an employee contribution.

## **B. Judicial Retention:**

Each judge is subject to an unopposed, nonpartisan retention election at the first general election held more than 3 years after the appointment. To be retained, a judge must receive a majority of affirmative votes cast. This means that newly appointed judges will serve at least 3, but not more than 5 years prior to standing for their first retention election.

Following the first retention election, trial court and appellate judges appear on the retention ballot every 6 years. Supreme Court Justices stand for retention every 10 years.

## **C. Performance Evaluation:**

All sitting judges undergo a performance review after the first year in office and biennially thereafter. Judges not up for retention election can use the performance review results (which are confidential) as a guide for self-improvement. Judges up for retention election are subject to certification review by the Judicial Council. Prior to the election, the Council publishes in the voter information pamphlet whether the judge met or failed to meet the following evaluation criteria:

- Compliance with case delay reduction standards.
- No public sanctions by the Judicial Conduct Commission during the term of office and not more than 1 private sanction during the final 2 years of the term of office.
- Completion of 30 hours of approved judicial education each year.
- Self certification that a judge is physically and mentally able to serve, and complies with the Codes of Judicial Conduct and Administration.
- A satisfactory score on the certification portion of the Council's Survey of the Bar.
- For District Court Judges a satisfactory score on the certification portion of the Council's survey of jurors.

*Those wishing to recommend possible candidates for judicial office or those wishing to be considered for such office should promptly contact Margo Bird Cheryl Breneman in the Administrative Office of the Courts, 450 S. State St. P O Box 140241, Salt Lake City, Utah 84114-0241. (801) 578-3800. Application packets will be forwarded to prospective candidates.*